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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/785,452 | 02/20/2001 | Yoshinori Miyaki | 500.39590X00 | 5038 |

20457 7590 08/27/2003

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EXAMINER

CRUZ, LOURDES C

ART UNIT PAPER NUMBER

2827

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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| EXAMINER |
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| ART UNIT | PAPER |
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Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on 02-04-03 is not fully responsive to the prior Office action because even though the examiner clearly pointed out in the previous Restriction that the pending Application claims more than one distinct Species, and that Applicant was required to Elect claims readable in one distinct Species; Applicant has elected **all** pending claims as readable on one single Specie. Applicant did so without providing explanation for the election or a traversal with an explanation of the grounds of such. This has puzzled the examiner who still thinks that there are multiple Species claimed. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.


K. MAND CUNEO
SUPERVISORY PATENT EXAMINER
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